

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

MISTY B.,)	
)	
Plaintiff,)	
)	
v.)	No. 2:21-cv-00082-MJD-JPH
)	
KILOLO KIJAKAZI,)	
)	
)	
Defendant.)	

**ORDER ON PETITION FOR ATTORNEY FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT**

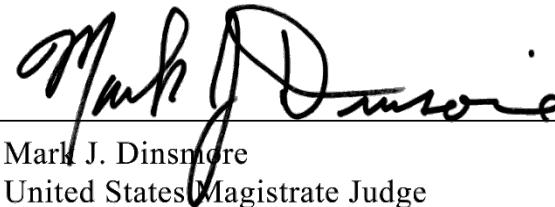
This matter is before the Court¹ on Plaintiff's Petition for Attorney Fees Under the Equal Access to Justice Act filed by attorney Matthew Richter. [Dkt. 35.] Unfortunately, Mr. Richter has committed an error that requires correction before the Court can rule on Plaintiff's Petition for Attorney Fees on the merits. In the motion, Mr. Richter requested fees at 2022 rates for work performed in 2020 and 2021. [Dkt. 35-3.] This runs afoul of the Seventh Circuit's instruction that "Courts should generally award the inflation-adjusted rate according to the CPI, using the date on which the legal services were performed." *Sprinkle v. Colvin*, 777 F.3d 421, 428 (7th Cir. 2015).

¹ On April 23, 2021, the parties filed a joint consent to the jurisdiction of the assigned magistrate judge. [Dkt. 14.] On April 30, 2021, Judge Hanlon referred the matter to Judge Pryor, who was the assigned magistrate judge at that time. [Dkt. 15.] On December 15, 2022, this matter was reassigned from Magistrate Judge Pryor to the undersigned. [Dkt. 36.] Pursuant to the parties' consent and the order referring the case to the assigned magistrate judge, the parties' consent to the undersigned became effective thirty days after the date of reassignment if no objection was filed. [Dkts. 14 & 15.] More than thirty days have passed since the reassignment, and no objection has been filed.

Accordingly, **within seven days of the date of this Order**, Mr. Richter shall file a supplemental brief setting out the appropriate calculation for the work he performed in 2020 and 2021 and adjusting the total requested award of attorney fees to reflect the appropriate calculation.

SO ORDERED.

Dated: 19 JAN 2023



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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